

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD THOMAS,

No. C 08-01778 SBA (PR)

Petitioner,

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

v.

JAMES WALKER, Warden,

Respondent.

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed. Petitioner did not respond to the Clerk's notice.

On May 30, 2008, the Court issued an Order Directing Payment of Filing Fee or Filing of In Forma Pauperis Application. The Clerk sent Petitioner another blank in forma pauperis application. The Court directed Petitioner to either pay the fee or return the completed application within thirty days or his action would be dismissed.


On July 17, 2008, Petitioner filed another in forma pauperis application. However, more than thirty days have passed, and Petitioner has not submitted a signed certificate of funds and/or a prisoner trust account statement for the previous six months. Therefore, his in forma pauperis application is incomplete.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Petitioner's in forma pauperis application is DENIED as incomplete. The Clerk of the Court shall close the file.

This Order terminates Docket nos. 13, 14.

IT IS SO ORDERED.

DATED: 9/2/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE  
4 NORTHERN DISTRICT OF CALIFORNIA

5  
6  
7 JAMES EDWARD THOMAS,

Case Number: CV08-01778 SBA

8 Plaintiff,

**CERTIFICATE OF SERVICE**

9 v.

10 THE WARDEN, CSP., STATE OF  
11 CALIFORNIA et al,

12 Defendant.  
13 \_\_\_\_\_/

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

15 That on September 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said  
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
18 located in the Clerk's office.

19 James Edward Thomas F-21197  
20 California State Prison - Sacramento/Folsom  
21 P.O. Box 290066  
22 Represa, CA 95670-0066

23 Dated: September 4, 2008

24 Richard W. Wieking, Clerk  
25 By: LISA R CLARK, Deputy Clerk  
26  
27  
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